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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,884	05/21/2001	Kenneth L. Davis	30566.128-US-01	6589
55895	7590	05/19/2006	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				TRAN, QUOC A
		ART UNIT		PAPER NUMBER
		2176		

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

JP

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/862,884	DAVIS, KENNETH L.
	Examiner	Art Unit
	Quoc A. Tran	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02/28/2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to Amendment filed 02/28/2006 with recognition of an original filing date of 05/21/2001.
2. Claims 1-24 are pending. Claims 1, 9, and 17 are independent claims.
3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*
5. **Independent claims 1-6, 8-14, 16-22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable by Wistendahl et al. US005708845A - filed 09/29/1995 (hereinafter Wistendahl '845), in view of Russell, Jr. et al. – US005526478A –filed- 06/30/1994 (hereinafter Russell '478).

**As to independent claim 1, (a) obtaining a sequence of frames to be consecutively displayed on a display device, wherein a frame comprises one or more images** (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, also see Fig. 1), discloses a system for editing still and motion images, such as a movie, video program, or live television program captured by a

video camera, etc., is digitized via an analog-to-digital (A/D) converter (item 12) into digital data representing a series of display frames  $F_i, F_{i+2}, F_{i+3}$ , in a time sequence  $t$  for display on a display screen),

**(i) an identification of an identified a frame within the sequence of frames**

(Wistendahl '845 at col. 4, line 10 through col. 5, line 45, also see Fig. 1 and 5C), discloses "key" frame, as indicated at box 51b, the outline data, position, and frame address are saved as N Data at box 51c.

Using the broadest interpretation Examiner reads an identification of a frame would have been an obvious variant of "key" frame, as indicated at box 51b. The outline data, position, and frame address are saved as N Data for later use with IDM program, to a person of ordinary skill in the art at the time the invention was made.

**(b) obtaining annotation information, wherein the annotation information**

**comprises:** (ii) **an annotation** (Wistendahl '845 at col. 4, lines 0-35, also see Fig. 1 and 5C), discloses using an outlining tool as before, the author draws an outline around an object, such as the airplane shown in frame  $F_{\text{sub.}Ki}$ , by drawing an outline OL around the airplane. The author also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame  $F_{\text{sub.}Ki}$ ;

Using the broadest interpretation Examiner reads an annotation and the annotation information would have been an obvious variant of draws an outline around an object and also marks the position of the object in the key frame, to a person of ordinary skill in the art at the time the invention was made.

**(c) Consecutively displaying one or more of the sequence of frames** (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, also see Fig. 1), discloses a system for editing still and motion images, such as a movie, video program, or live television program captured by a video camera, etc., is digitized via an analog-to-digital (A/D) converter (item 12) into digital data representing a series of display frames  $F_i, F_{i+2}, F_{i+3}$ , in a time sequence  $t$  for display on a display screen),

**(d) Determining when the identified frame is displayed, and automatically pausing the display of the sequence of frames at the identified frame** (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45) discloses an authoring and mapping of "Hot Spot" As N Data, wherein the author first brings up on the workstation a key frame  $F_{sub.Ki}$  of a series of frames in a full motion movie or video sequence.

Using a mouse or other type of pointing device 52, the author delineates an object in the key frame, such as the airplane shown in frame  $F_{sub.Ki}$ , by drawing an outline OL around the airplane.

The author also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame  $F_{sub.Ki}$ . and

By clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame  $F_{sub.Ki+N}$  is reached in which the object is detected.

Using the broadest interpretation Examiner reads an automatically pausing the display of the sequence of frames at the identified frame would have been an obvious inherent of displaying

"key" frame of a series of frames in a full motion movie or video sequence then draws an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected, to a person of ordinary skill in the art at the time the invention was made, further more please notes that in order to an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame, the steps of stop and go would have been appreciated by a person of ordinary skill in the art at the time the invention was made in order to perform the above feature,

**(f) Continue displaying the sequence of frames subsequent to the identified frame when a user elects to proceed** (Wistendahl '845 at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45) discloses an authoring and mapping of "Hot Spot" As N Data, wherein

The author first brings up on the workstation a key frame F.sub.Ki of a series of frames in a full motion movie or video sequence.

Using a mouse or other type of pointing device 52, the author delineates an object in the key frame, such as the airplane shown in frame F.sub.Ki, by drawing an outline OL around the airplane.

The author also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame F.sub.Ki. and

by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected.

Using the broadest interpretation Examiner reads an automatically pausing the display of the sequence of frames at the identified frame would have been an obvious inherent of displaying "key" frame of a series of frames in a full motion movie or video sequence then draws an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected, to a person of ordinary skill in the art at the time the invention was made, further more please notes that in order to an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame, the steps of stop and go would have been appreciated by a person of ordinary skill in the art at the time the invention was made in order to perform the above feature,

**Wistendahl '845 does not explicitly teach, and (iii) a location on the identified frame to display the annotation, e) displaying the annotation at the location on the identified frame while the display is paused, however (Russell '478 at col. 3, line 30 through col. 4, line 35, also see Fig. 2-7, discloses an annotation interface, wherein the multimedia information can include graphic, animation visual image, video, etc on a computer display, wherein**

A frame buffer is connected to bus and stores the information to be displayed on display, also includes:

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Graphics subsystem item 30 processing elements for processing graphics data that are to be displayed on display item 22, that includes four pipelined subsystems:

(1) a geometry subsystem,

(3) a raster subsystem, and

(4) a display subsystem. When a 3-D model needs to be displayed on display. CPU 21 accesses system RAM and ROM 25a and 25b and mass storage device 29 for data relating to the visual description of the 3-D model. The visual description of the 3-D model is read and stored in computer system 20.

Examiner read the above in the broadest reasonable interpretation, wherein the identified frame to display the annotation would have been an obvious variant of A frame buffer includes four pipelined subsystems: (1) a geometry subsystem, (2) a scan conversion subsystem, (3) a raster subsystem, and (4) a display subsystem is connected to bus and stores the information to be displayed on display, to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl '845 teaching, to include a means of obtaining annotation information, wherein a location on the identified frame to display the annotation of Russell '478. One of ordinary skill in the art would have been motivated to perform such a modification, because they are from the same field of endeavor of authoring, and annotating an object within a specific frame of a set of sequential frames, and enabling object mapping and motion tracking tools, that allows author for outline a number of "hot spots" in a full motion

sequence and generate N Data automatically over a series of frames (see Wistendahl '845 at col. 11, line 65 through col. 12, line 10).

**As to independent claims 9 and 17,** incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.

**As to dependent claims 2-6, 10-14 and 18-22** incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following and are similarly rejected along the same rationale,

**the annotation comprises text, an arrow, a primitive shape, an animation, a video,** however (Russell '478 at col. 3, line 30 through col. 4, line 35, also see Fig. 2-7, discloses an annotation system, wherein the multimedia information can include text, visual image, pointer (item 41 is a 3-D arrow pointing at an area of 3-D model 40), video, 3-D models, an animation etc on a computer display.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl '845, discloses an interactive digital media (IDM) program has Frame Data for the media content and object mapping data (N Data) representing the frame addresses and display location coordinates for objects appearing in the media content, to include a means of obtaining annotation information, wherein the annotation comprises: text, an arrow, a primitive shape, an animation, a video of Russell '478. One of ordinary skill in the art would have been motivated to perform such a modification for enabling an annotating interface, wherein viewers capable of displaying 3-D model at various locations to exchange information with respect to the 3-D model in a consistent environment (as taught by Russell '478 at col. 1, lines 45-60).

**As to dependent claims 8 and 24,** incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale,

6. **Dependent claims 7, 15, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable by Wistendahl et al. US005708845A - filed 09/29/1995 (hereinafter Wistendahl '845), in view of Russell, Jr. et al. – US005526478A –filed- 06/30/1994 (hereinafter Russell '478), further in view of Gupta et al. US006484156B1- filed- 09/15/1999 (hereinafter Gupta '156).

**As to dependent claim 7,** Wistendahl '845 and Russell '478 do not explicitly teach, the annotation information is defined in conformance with an extensible markup language (XML) schema, however (as taught by Gupta '156 at col. 6, lines 5-15, i.e. an annotation server and a client computer using Extensible Markup Language (XML)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl '845, discloses an interactive digital media (IDM) program has Frame Data for the media content and object mapping data (N Data) representing the frame addresses and display location coordinates for objects appearing in the media content, to include a means of obtaining annotation information, wherein the annotation information comprises: an annotation of Russell '478, further to include a means of annotations information is defined in conformance with an extensible markup language (XML). One of the ordinary skills in the art would have been motivated to perform such a modification to synchronize the media composition frameworks implied by MPEG-4, Dynamic HTML, other media playback

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environments, multimedia presentation may also include “annotation” in the HTML environment (as taught by Gupta at col. 1, lines 35-65).

**In regard to dependent claim 15,** incorporate substantially similar subject matter as cited in claim 7 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 23,** incorporate substantially similar subject matter as cited in claim 7 above, and is similarly rejected along the same rationale.

***Response to Argument***

4. Applicant's arguments filed 02/28/2006 have been fully considered but they are not persuasive. The reason is set forth in the current Office Action cited below and further view of the following:

The examiner respectfully notes that Applicant has amended independent claims 1, 9 and 17 for further clarification of some features of independent claims 1, 9 and 17 (see Applicant (CURRENTLY AMNEDED) IN THE CLAIMS pages 2-5), however they are not deemed to place the application in better position for allowance.

Since these amendments do not change the scope of the Applicant as whole, thus the Examiner maintains the rejection of the pending claims and clarifies the Examiner's position cited above, for further explanation and detail (see the current rejection below).

**5. Response to Arguments:**

Beginning on page 6 of the Remarks (hereinafter the remarks), Applicant argues the following issues, which are accordingly addressed below.

**Applicant's arguments, on pages 11-13 of the remarks that Wistendahl in combination with Russell and Gupta Fennell do not teach:**

- 1) Automatically pausing a display of a sequence of frames at a particular identified frame,**
- (2) Displaying an annotation at he location on the identified frame when the sequence has been paused; and**
- 3) Continuing the display of the sequence of frames when the user selects to proceed;** (the same arguments are substantially repeated for dependent claims 7, 15, and 23 pending).

The examiner respectfully disagrees. In response to (1), The examiner respectfully notes that Using the broadest interpretation, Wistendahl at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45, discloses an authoring and mapping of “Hot Spot” As N Data, wherein the author first brings up on the workstation a key frame of a series of frames in a full motion movie or video sequence. Then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame.

Further more please notes that in order to an outline OL around the airplane and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame, the steps of stop and go would have been appreciated by a person of ordinary skill in the art at the time the invention was made in order to perform the above feature, and further more please noted that the term

“Automatically” is not specifically defy as such “without a human intervention”, thus steps and go is automatically executable whenever the interruption is triggering by the user click from I/O devices.

**In response to (2),** The examiner respectfully notes that Using the broadest interpretation, Wistendahl at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45, discloses an authoring and mapping of “Hot Spot” As N Data, wherein the author first brings up on the workstation a key frame of a series of frames in a full motion movie or video sequence. Then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame.

Further more please notes that first the author brings up the key fame (i.e. the identified frame) of a series of frames in a full motion movie or video sequence, then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame (i.e. annotating at the interest location),

Further more supported to the above, the Examiner introduces the Russell reference, at col. 3, line 30 through col. 4, line 35, also see Fig. 2-7, discloses an annotation interface, wherein the multimedia information can include graphic, animation visual image, video, etc on a computer display, wherein

A frame buffer is connected to bus and stores the information to be displayed on display, also includes:

Graphics subsystem item 30 processing elements for processing graphics data that are to be displayed on display item 22, that includes four pipelined subsystems:

(1) a geometry subsystem,

(3) a raster subsystem, and

(4) a display subsystem. When a 3-D model needs to be displayed on display. CPU 21

accesses system RAM and ROM 25a and 25b and mass storage device 29 for data relating to the visual description of the 3-D model. The visual description of the 3-D model is read and stored in computer system 20.

Examiner read the above in the broadest reasonable interpretation, wherein the identified frame to display the annotation would have been an obvious variant of A frame buffer includes four pipelined subsystems: (1) a geometry subsystem, (2) a scan conversion subsystem, (3) a raster subsystem, and (4) a display subsystem is connected to bus and stores the information to be displayed on display, to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Wistendahl teaching, to include a means of obtaining annotation information, wherein a location on the identified frame to display the annotation of Russell. One of ordinary skill in the art would have been motivated to perform such a modification, because they are from the same field of endeavor of authoring, and annotating an object within a specific frame of a set of sequential frames, and enabling object mapping and motion tracking tools, that allows author for outline a number of "hot spots" in a full motion sequence and generate N Data automatically over a series of frames (see Wistendahl '845 at col. 11, line 65 through col. 12, line 10).

**In response to (3),** The examiner respectfully notes that Using the broadest interpretation, Wistendahl at col. 4, line 10 through col. 5, line 45, and also at col. 9, line 15 through col. 12, line 10 particularly at col. 11 lines 1-45, discloses an authoring and mapping of "Hot Spot" As N Data, wherein the author first brings up on the workstation a key frame of a series of frames in a full motion movie or video sequence. Then marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in frame, and by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program, where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected.

Further more please notes that Using a mouse or other type of pointing device 52, the author delineates an object in the key frame, such as the airplane shown in key frame, by drawing an outline OL around the airplane. The author also marks the position of the object in the key frame by designating a marker MK in a central position within the outline OL in key frame, and then runs the motion-tracking tool by clicking on an MT button of a tool bar 54 in a graphical interface for the authoring program. The motion tracking function operates to identify the object indicated to be within the outline OL in key frame where it appears in the succeeding frames of the sequence until a last frame F.sub.Ki+N is reached in which the object is detected. The outline data and position of the object in the key frame and the position and frame address of the last frame are stored as N Data by the authoring system (see Wistendahl at col. 4, line 10 through col. 11, lines 29-45);

Further more supported to the above, the Examiner introduces the Russell reference, at col. 7, lines 60-65, also see Fig. 4A, discloses an annotation interface, wherein the multimedia

information can include graphic, animation visual image, video, etc on a computer display, wherein Control panel 57 includes three control elements 57a-57c for controlling animation. Element 57a is used to stop the animation, element 57b is used to play the animation, and element 57c is used to record the animation.

Therefor the Examiner respectfully maintains the rejection of independent claims 1, 9, and 17 for at least the reason cited above at this time.

**Further more Applicant's arguments, on pages 13-15 of the remarks that Wistendahl in combination with Russell and Gupta Fennell do not teach: the annotation information is defined in conformance with an extensible markup language (XML) schema.**

The examiner respectfully notes that, (see substantially the same response to arguments repeated above for independent claims 1, 9, and 17, see responses for (1), (2) and (3) above for detail), and further view of the following;

Using the broadest interpretation, Gupta at col. 6, lines 5-15, dis closes an annotation server and a client computer using Extensible Markup Language (XML) for Annotations correspond to multiple different multimedia streams (i.e. the annotation information is defined in conformance with an extensible markup language (XML) schema).

Therefor the Examiner respectfully maintains the rejection of dependent claims 7, 15, and 23 for at least the reason cited above at this time.

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Therefor the Examiner respectfully maintains the rejection of independent claims 1, 7, 19 and theirs dependencies (i.e. Claims 2-8, 10-16 and 18-24) for at least the reason cited above at this time.

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A. Tran*  
Patent Examiner  
Technology Center 2176  
May 12, 2006

*William L. Bashore*  
WILLIAM L. BASHORE  
PRIMARY EXAMINER  
5/13/2006